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September 3, 2021

MEMO ENDORSED:

The application is granted. Defendant's July 16, 2021 pre-motion letter requesting a conference as to its proposed motion to dismiss (Dkt. No. 9) is denied as moot.

SO ORDERED.

Paul G. Gardephe
United States District Judge

Dated: September 9, 2021

VIA ELECTRONIC FILING

Hon. Paul G. Gardephe, U.S.D.J.
United States District Court for the
Southern District of New York
40 Foley Square, Courtroom 705
New York, New York 10007

Re: Justin Franco v. American Airlines, Inc.;
Plaintiff's Request for Extension of Prop

Dear Your Honor:

Please be advised, this firm is counsel for Justin Franco ("Plaintiff") in the above referenced matter. I write to request an extension of the Parties' proposed pleading schedule. This is Plaintiff's first request for an extension of time to file pleadings in this matter. The undersigned counsel has conferred with defense counsel regarding this request and defendant does not oppose the requested extension.

On or about July 16, 2021, Defendant, by and through their counsel, filed a letter requesting a pre-motion conference related to Defendant's intent to file a motion to dismiss Plaintiff's summons with notice or, alternatively, compel Plaintiff to file a more definitive statement. *See* Dkt. 9. Plaintiff filed a letter in response and opposition to Defendant's request on July 21, 2021 requesting leave to file a complaint within thirty days, with Defendant's response to the complaint being due thirty days thereafter. *See* Dkt. 10. The Court has not yet ruled on the parties' respective requests.

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Plaintiff was preparing his complaint for filing by the agreed upon thirty-day deadline. However, due to a death in the undersigned counsel's family, the undersigned counsel requested a two-week extension to file Plaintiff's complaint, which Defendant consented to. Plaintiff also agreed to provide a parallel two-week extension of Defendant's thirty-day deadline to respond to the complaint. Accordingly, the parties agreed upon the following schedule¹:

Plaintiff's deadline to file his complaint: September 3, 2021

Defendant's deadline to answer, move,
or otherwise respond to Plaintiff's complaint October 18, 2021

Based on the foregoing, Plaintiff respectfully requests that his deadline to file his complaint, and Defendant's deadline to file a response thereto, be extended in accordance with the above-referenced schedule.

Counsel remains available should Your Honor have any questions or concerns. Thank you.

Dated: New York, New York
September 3, 2021

Respectfully Submitted,

/s/ Gabrielle Vinci
Gabrielle Vinci, Esq.

¹ A stipulation executed by counsel for the parties is enclosed herein as Exhibit A.

EXHIBIT A

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK**

-----X
JUSTIN FRANCO,

Plaintiff,

Index No: 1:21-cv-05918

-against-

**STIPULATION TO
EXTEND PLEADING
SCHEDULE**

AMERICAN AIRLINES, INC.,

Defendant.
-----X

WHEREAS, Plaintiff filed a Summons with Notice in the Supreme Court of the State of New York, County of New York on May 5, 2021;

WHEREAS, Defendant removed this action to this Court on July 9, 2021;

WHEREAS, Defendant filed a letter seeking a pre-motion conference related to Defendant's anticipated motion to dismiss on July 16, 2021;

WHEREAS, in response to Defendant's request for a pre-motion conference, Plaintiff filed a letter in opposition requesting 30 days to file a complaint in this matter; and

WHEREAS, due to extenuating circumstances, including but not limited to, a death in Plaintiff's counsel's family, the parties have agreed on an extended pleading schedule in this matter,

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel for the parties that:

1. Plaintiff's deadline to file a complaint in this matter is September 3, 2021, and
2. Defendant's deadline to file an answer, motion, or otherwise respond to Plaintiff's complaint is October 18, 2021.

3. This stipulation may be executed in separate counterparts, and facsimile and/or electronic signatures shall be deemed as originals for all purposes.

Dated: New York, New York
September 3, 2021

NESENOFF & MILTENBERG, LLP.
Attorneys for Plaintiff

/s/ Gabrielle Vinci
Andrew T. Miltenberg, Esq.
Gabrielle M. Vinci, Esq.
363 Seventh Avenue, 5th Floor
New York, New York 10001

MORGAN, LEWIS & BOCKIUS, LLP.
Attorneys for Defendant

/s/ Michael F. Fleming
Michael F. Fleming, Esq.
Melissa C. Rodriguez, Esq.
101 Park Avenue
New York, New York 10178

Dated: New York, New York

SO ORDERED:

Hon. J. Paul G. Gardephe, U.S.D.J.